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 CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA TOW TRUCK
 ASSOCIATION,

Plaintiff,

vs.

CITY AND COUNTY OF SAN FRANCISCO
 and DOES 1-50,

Defendants.

Case No. C10-03184 CRB

**STIPULATED APPLICATION TO CONTINUE
 INITIAL CASE MANAGEMENT
 CONFERENCE SET FOR 10/29/2010;
 [PROPOSED] ORDER**

Hearing Date: October 29, 2010
 Time: 8:30 a.m.
 Judge/Place: The Honorable Charles R. Breyer
 Courtroom 8, 19th Floor

Date Action Filed: July 12, 2010
 Trial Date: None Set

In this case, the plaintiff contends that the defendant's ordinance, which requires tow companies and tow car operators to obtain permits before doing business in San Francisco, is preempted by federal and state law and violates the Commerce Clause of the United States Constitution. The plaintiff also contends that San Francisco has a practice of seizing tow trucks for operating without a permit, in violation of the Fourth Amendment to the United States Constitution.

After conferring, the parties are in agreement that this case presents questions that can be resolved by cross-motions for summary judgment, without the conduct of discovery.

To avoid the unnecessary expenses associated with an initial case management conference, and to avoid burdening the Court's schedule, the parties hereby request that the initial case management conference be continued to February 18, 2011, with all deadlines associated with the initial case management conference similarly continued, so that the parties may file cross-motions for summary judgment, to be heard December 3, 2010, or at a subsequent date convenient to the Court. Assuming a hearing on cross-motions for summary judgment is scheduled on December 3, 2010, the parties propose the following briefing schedule:

- Plaintiff's motion for summary judgment to be filed on or before October 8, 2010
- Defendant's cross-motion/opposition to be filed on or before October 22, 2010
- Plaintiff's reply/opposition to be filed on or before November 5, 2010
- Defendant's reply to be filed November 19, 2010

Dated: September 29, 2010

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By: s/Vince Chhabria
VINCE CHHABRIA
Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

Dated: September 29, 2010

LAW OFFICES OF BROOKS ELLISON

By: **s/Patrick Whalen
PATRICK J. WHALEN
Attorneys for Plaintiff
CALIFORNIA TOW TRUCK ASSOCIATION

**pursuant to GO 45, the electronic signatory has obtained approval from this signatory.

ORDER

The parties' request to continue the initial case management conference is GRANTED. The initial case management conference shall take place on February 18, 2011. The parties cross-motions for summary judgment shall be heard on December 3, 2010. Plaintiff's motion for summary judgment shall be filed on or before October 8, 2010. Defendant's cross-motion/opposition shall be filed on or before October 22, 2010. Plaintiff's reply/opposition shall be filed on or before November 5, 2010. Defendant's reply, if any, shall be filed on or before November 19, 2010.

Dated: October 1, 2010

THE HONORABLE CHARLES R. BREYER
JUDGE, U.S. DISTRICT COURT

